CF 100

(1) (3)

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

WP NO. 3955 /2003

PETITIONER

M/s. S. Agrawal Iron Private Limited, A Company Registered under Indian Companies Act, having Office at 220-B Sector 6 Urla, Industrial State, Raipur, Represented through Sunil Kumar Agrawal (Jain) Director of the Company, Son of Shri Latturam Agrawal.

VERSUS

RESPONDENTS

1. The State Bank of India, a Banking Company registered and incorporated under the State Bank of India Act, having its Head Office at Mumbai, Brancyh Office at Second Floor, Ram Bhawani Jaistambh Chowk, Raipur, Popularly known as Commercial Branch Raipur, Represented through : Branch Manager.

2. Union of India, through: Secretary Ministry of Law Justice and Company Affairs, Mantralaya, Lok Nayak Bhawan, New Delhi.

3. Secretary, Ministry of Finance, Union of India, New Delhi.

P. R. No. 37 29/03
Presented by Shri B. Kishor Singh
dated 26-11-03

26/11/03

VINAY HARIT
Senior Central Government Standing Counsel
CHHATTISGARH HIGH COURT

**WRIT PETITION UNDER ARTICLES 226/227 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF WRIT IN NATURE OF MANDAMUS, CERTIORARI OR / AND ANY OTHER WRIT OF LIKE NATURE**

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

# आदेश पत्रक

मामला क्रमांक W P 3955 सन् 2003

विरुद्ध

| आदेश का दिनांक आदेश क्रमांक सहित | आदेश हस्ताक्षर सहित | कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश |
|---|---|---|

**DIVISION BENCH:**

**HON'BLE SHRI A.S.VENKATACHALA MOORTHY, CJ**
**& HON'BLE SHRI FAKHRUDDIN, J.**

**29/06/2004**: -

Shri Raghvendra Pradhan counsel for the petitioner.

Shri R.S. Jaiswal counsel for the respondent No.1.

Shri Vinay Harit, Sr. Standing Counsel for the Union of India, for respondent No.2.

Following the decision of the Supreme Court in the matter of **Mardia Chemical Ltd. Vs. Union of India (2004 AIR SCW 2541)**, the writ petition stands dismissed.

However, it is made clear that where a secured creditor has taken action under Section 13(4) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 in such cases it would be open to borrowers to file appeals under Section 17 of the Act within the limitation as prescribed therefor, to be counted with effect from today.

Sd/-
Chief Justice

Sd/-
Fakhruddin
Judge